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5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**

7 ***

8 EDWARD E. SEELY,

9 Plaintiff,

10 vs.

11 CITY OF LAS VEGAS, *et al.*,

12 Defendants.

Case No. 2:20-cv-02109-APG-VCF

Order

Amended Complaint [ECF No. 6]

13 This Court previously granted pro se plaintiff Edward E. Seely's application to proceed in forma
14 pauperis, dismissed plaintiff's claim pursuant to without prejudice, and found that if plaintiff did not file
15 an amended complaint, he may proceed with his federal claims only against the City of Las Vegas and
16 the Nevada State Public Works Division for violations of the Americans with Disabilities Act (42 U.S.C.
17 §§ 12101 to 122134, et seq.); 28 CFR 35.150-35.151, and NRS 338.180. (ECF Nos. 3 and 5).

18 Plaintiff timely filed an amended complaint: he voluntarily dropped his claim pursuant NRS
19 338.180, and he restates the federal claims that the Court already found he could proceed on. (ECF No.
20 6). Plaintiff may now proceed with his case.

21 ACCORDINGLY,

22 IT IS ORDERED that the Clerk of Court is directed to issue the summons.

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24 IT IS FURTHER ORDERED that plaintiff must file a notice with the Court stating that he has
25 served the defendants within 20 days of service. Plaintiff must serve the defendants or file a motion for

1 an extension of time to serve the defendants by Wednesday, October 20, 2021. Failure to do so could
2 result in dismissal.

3 **NOTICE**

4 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
5 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
6 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
9 objections within the specified time and (2) failure to properly address and brief the objectionable issues
10 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
11 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
12 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
13 written notification with the court of any change of address. The notification must include proof of
14 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
15 counsel. Failure to comply with this rule may result in dismissal of the action.

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17 IT IS SO ORDERED.

18 DATED this 22nd day of July 2021.

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20 CAM FERENBACH
21 UNITED STATES MAGISTRATE JUDGE
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